

REMARKS

Claims 1-9 are pending. Claim 1 has been amended to clarify that start-up conditions of power generation include a condition in which a frequency of a phase voltage of a stator winding of the power generator exceeds a predetermined reference value. No new matter is added. Support for this amendment exists in the disclosure as originally filed including, for example, in the second full paragraph on page 2 of the specification. The scope of the claim has not been narrowed in any manner by this Amendment. Claim 6 has been amended for clarity. The amendment does not change the scope of the claim. Claim 9 has been added. Claim 9 finds support throughout Applicants' disclosure including, for example, the last full paragraph on page 5, the paragraph bridging pages 8 and 9, and the paragraph bridging pages 9 and 10.

The Office Action objects to the drawings under 37 CFR §1.83(a) because the drawings allegedly fail to show "the resistor and the second switching means connected in series between a terminal where the phase voltage is applied and a negative terminal of the battery."

Applicants respectfully traverse this objection on the ground that this feature is clearly shown in Figs. 2, 3 and 4, for example, with reference to numerals 40 and 39, respectively.

Accordingly, the objection is improper and should be withdrawn.

The Office Action also alleges that the drawings are incomplete based on 37 CFR §1.83(b). This objection is respectfully traversed.

In the first place, Applicants do not understand in what way the drawings are incomplete. As noted above, the features are shown in Figs. 2, 3 and 4.

The objection quotes 37 CFR §1.83(b). Applicants are unable to understand how this Rule of Practice applies to Applicants' drawings.

However, to be as fully responsive as possible, Applicants note that 37 CFR §1.83(b) , which is quoted, discusses inventions that consists in improvements on an old machine. Applicants are not claiming their invention as an improvement of an old machine. For example, Applicants do not use Jepson format (improvement format) claims.

Applicants respectfully submit that the drawings fully comply with the provisions of 37 CFR §1.83(a) and (b) at least for the reasons stated above.

The Office Action rejects claims 1-8 under 35 USC §102(b) as being anticipated by U.S. Patent 5,719,484 to Taniguchi et al. (hereinafter, "Taniguchi"). This rejection is respectfully traversed.

A prior art reference anticipates the subject of a claim when the reference discloses every feature of the claimed invention, either explicitly or inherently (see, In re Paulsen, 30 F.3d 1475, 1478,1479, 31 USPQ2d 1671, 1675 (Fed. Cir. 1994), In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990), Hazani v. Int'l Trade Comm'n, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed. Cir. 1997) and RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

With respect to claims 3 and 6, the Office Action alleges that Taniguchi renders those claims obvious, and makes no attempt to indicate where Taniguchi discloses the claimed features, either explicitly or inherently.

Accordingly, with respect to claims 3 and 6, the Office Action fails to make out a prima facie case of anticipation of the claimed invention by Taniguchi.

With respect to the features recited in claims 1, 4, 5, and 7, the Office Action fails to point to any portion of Taniguchi that discloses the claimed features except by referring to controller 7. However, reference to that one element of Taniguchi fails to indicate where the six specific features listed on page 3 of the Office Action as being performed by controller 7 are found in Taniguchi.

With respect to claim 8, the Office Action merely states the features recited in claim 8 and provides absolutely no indication of what portions of Taniguchi disclose the claimed features.

These failures to indicate which portions of Taniguchi disclose each positively recited feature of the claims deny Applicants fundamental procedural and substantive due process under the Administrative Procedures Act. See in this regard, In re Zurko, 119 S.Ct. 1816, 50 USPQ2d 1930 (1999), and In re Gartside, 53 USPQ2d 1769 (Fed. Cir. 2000).

Accordingly, Applicants respectfully submit that the Office Action is improper and should be withdrawn.

Turning to the merits of the rejection, Applicants present the following arguments.

Taniguchi disclose a power generating voltage switching type vehicle power generating system capable of generating a sufficient output even in a low-rpm region while suppressing an increase in the size and weight of a power generator.

Taniguchi differs from the claimed invention in several aspects.

In the first place, claim 1 recites, separate and apart from the first switching means, that a resistor and a second switching means are connected in series between a terminal where the phase voltage [of a stator winding of the power generator] is applied and a negative terminal of a battery.

Taniguchi's resistor 113a is part of what the Office Action alleges is the "first switching means (11)".

Thus, Taniguchi does not anticipate claim 1.

In the second place, claim 1 recites "a switching control means for temporarily turning on the second switching means prior to power generation regardless of an amplitude of the voltage at the terminal" (emphasis added).

In Taniguchi, the MOSFET 11a is turned on for rectification during power generation but is not turned on "prior to power generation.", as recited.

Moreover, in Taniguchi, a phase voltage is detected to produce a synchronous signal to rectify the current. In stark contrast, Applicants detect phase voltage to turn on the second switching means to detect the small phase voltage P_y .

With respect to claim 8, Taniguchi does not disclose "decreasing a resistance of the resistor" in general, or, as recited, i.e., "decreasing a resistance of the resistor as long as a number of the pulse signals is less than a predetermined number and the phase voltage is less than the second predetermined voltage, thereby reducing the phase voltage." The Office Action fails to indicate where this feature is disclosed in Taniguchi and Applicants have not been able to find it in the reference.

Similar comments apply to claim 9, i.e., Taniguchi does not disclose applying the phase voltage through a lower resistance resistor as long as a number of the pulse signals is less than a predetermined number and the phase voltage is less than the second predetermined voltage, thereby reducing the phase voltage. Accordingly, claim 9 is patentable over Taniguchi.

In view of the foregoing, Applicants respectfully submit that claims 1-9 are patentable over the applied art, that the drawings fully comply with the provisions of 37 CFR §1.83(a) and (b), and that the objections and rejections of record should be withdrawn and the Application allowed.

Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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